

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD)(SN) ECF Case

**DECLARATION IN SUPPORT OF MOTION FOR  
ENTRY OF PARTIAL FINAL DEFAULT JUDGMENTS ON BEHALF  
OF *BURNETT/IRAN* PLAINTIFFS IDENTIFIED AT EXHIBIT A  
(*BURNETT / IRAN IV*)**

ROBERT T. HAEFELE, Esquire, hereby states under penalty of perjury that:

1. I am an attorney with the law firm of Motley Rice LLC, attorneys for the Plaintiffs in the above-captioned matters. I submit this Declaration in support of this motion on behalf of the Plaintiffs identified in Exhibit A (attached hereto) from the action titled *Burnett, et al., v. The Islamic Republic of Iran, et al.*, 15-cv-9903-GBD-SN (“*Burnett/Iran*”) (Collectively, the Plaintiffs identified in Exhibit A are hereinafter “the *Burnett/Iran IV* Plaintiffs”).

2. The form of this motion and the relief requested herein are intended to comply with the following orders of this Court:

- a. The Court’s order dated January 24, 2017 (ECF No. 3435<sup>1</sup>), requiring that “[a]ll further motions for final judgment against any defaulting defendant shall be accompanied by a sworn declaration attesting that the attorney has (1) complied with the due diligence safeguards [referenced in Section II.D. of the January 23, 2017 letter from the Plaintiffs’ Executive Committee (ECF No. 3433)] and (2) personally verified that no relief has previously been awarded to any plaintiff included in the judgment (or, if relief has been awarded, the nature of that relief).” For compliance with the required sworn declaration, please see paragraph 7, below.

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<sup>1</sup> Unless indicated differently, citations to ECF Nos. are to the docket in *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD)(SN).

- b. The Court's Orders dated October 14, 2016 and August 8, 2017 (ECF Nos. 3363 and 3676) concerning the amounts of solatium damage awards.
- c. The Court's Order dated October 14, 2016 (ECF No. 3362) related to the cases captioned as *Bauer v. Al Qaeda Islamic Army*, 02-CV-7236 (GBD)(SN) and *Ashton v. al Qaeda Islamic Army*, 02-CV-6977 (GBD)(SN).

3. The form of this motion and the relief requested herein are also consistent with the form and relief requested and granted as to other plaintiffs in the *Burnett/Iran* action, in orders dated July 31, 2017, April 30, 2018 (corrected June 8, 2018), and August 28, 2018 at ECF Nos. 3666 (*Burnett/Iran I*), 3984 (corrected 4023) (*Burnett/Iran II*) and 4126 (*Burnett/Iran III*).

4. The sources of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firm's representation of the *Burnett/Iran IV* Plaintiffs in connection with the September 11<sup>th</sup> terror attacks, other court records relating to the *In re Terrorist Attack on September 11, 2001* multidistrict litigation to which these individuals are parties, my communications with other counsel for other plaintiffs in the *In re Terrorist Attack on September 11, 2001* multidistrict litigation, and conversations with these plaintiffs and the sworn statements of the plaintiffs attached hereto as Exhibits B and C. Any matters about which I lack Personal knowledge are asserted herein upon information and belief.

5. The *Burnett/Iran* Plaintiffs identified in Exhibit A each have the functional equivalence of an "immediate family member" (in this instance, step-sibling as a functional equivalent of a sibling, and domestic partner as a functional equivalent of a spouse) of decedents from the terrorist attacks on September 11, 2001, as indicated for each person on Exhibit A. In support of their entitlement to solatium damages, the *Burnett/Iran IV* Plaintiffs have affirmed the details of their relationships to their respective decedents in the declarations attached hereto as Exhibits B and C. Exhibit B is the Declaration Elba Iris Ceden, dated August 2, 2018, detailing that her domestic partnership relationship with 9/11 decedent Catherine Smith, meets the standard for qualifying them as functionally equivalent to spouses. Exhibit C is the Declaration of Christina L. Kminek, dated August

27, 2018, detailing that her step-sibling relationship with 9/11 decedent Mari-Rae Sopper, meets the standard for qualifying them as functionally equivalent to siblings.

6. The solatium amounts set forth in Exhibit A are the figures this Court has previously determined appropriate for solatium damages based on familial relationship to the decedent. *See, e.g.*, 03-md-1570, ECF Nos. 3175 at 2; 3300 at 1; 3358 at 9; 3363 at 16; 3399, 3666, 3676 at 13-14; 4023, and 4126.

7. After reviewing the records available to me regarding other judgments entered by this Court against the Iranian defendants, I have not identified any relief that has previously been awarded to any *Burnett/Iran IV* Plaintiff.

8. Before filing this motion, I have (1) complied with the due diligence safeguards referenced in Section II.D. of the January 23, 2017 letter from the Plaintiffs' Executive Committees (ECF No. 3433) and (2) personally verified that, based on my review of the records available to me regarding other judgments entered by this Court against the Iranian defendants, no relief has previously been awarded to any plaintiff included in the judgment.

9. Accordingly, attached hereto as Exhibit D is a proposed Order of Partial Final Judgment for the *Burnett/Iran IV* Plaintiffs, conforming to the Court's previous orders.

Dated: August 30, 2018

/s/ Robert T. Haefe  
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